

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONIQUE RUSSELL, JASMINE RIGGINS,  
ELSA M. POWELL AND DESIRE EVANS,**

Plaintiffs,

**v.**

**EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES,**

Defendant.

**CIVIL ACTION NO. 18-5629**

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**DECLARATION OF ROBIN S. WEISS**

1. I am an attorney representing the named Plaintiffs in the above-captioned action.
2. I subject this Declaration in support of Plaintiffs' Objections to Defendant's Bill of Costs.
3. Attached hereto as Exhibit 1 is a true and correct copy of an Affidavit of named Plaintiff Elsa Powell, which states *inter alia* that she has five children, that she has no significant assets and no savings, that her family's monthly expenses consume all of their monthly income, and that she cannot afford to pay the Defendant's alleged costs. *See* Ex. 1, ¶¶ 5-9.
4. Attached hereto as Exhibit 2 is a true and correct copy of an Affidavit of named Plaintiff Desire Evans, which states *inter alia* that she is a single mother, that she has no significant asserts and no savings, that her monthly expenses consume all of her monthly income, that she is three (3) months behind on her mortgage, and that she cannot afford to pay the Defendant's alleged costs. *See* Ex. 2, ¶¶ 5-10.

5. Attached hereto as Exhibit 3 are relevant portions of the September 12, 2019 deposition transcript<sup>1</sup> of named Plaintiff Jasmine Riggins, who testified that she was an unmarried mother to three children, that her highest level of education is a high school GED, and that she worked part time at a sandwich shop. *See* Ex. 2, at 20:7-16, 21:12-25. Prior jobs included jobs at Home Depot and a bakery. *Id.*, at 22:24 – 23:21.

6. Attached hereto as Exhibit 4 are relevant portions of the September 16, 2019 deposition transcript of named Plaintiff Monique Russell, who testified that at the time, she was working as a curriculum coordinator in Costa Rica, where she lived with her husband and son, who was 3 years old at the time of the deposition. *See* Ex. 3, at 10:24 – 12:22.

7. Counsel for Plaintiffs is attempting to obtain affidavits from Jasmine Riggins and/or Monique Russell regarding their current financial situation in further support of Plaintiffs' Objections to Defendant's Bill of Costs, which Counsel believes will demonstrate they likewise cannot afford to pay the Defendant's alleged costs in this matter and/or that such payment would result in undue hardship. Counsel will supplement this filing with any additional affidavits upon receipt.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Dated: 11/13/2023

s/ Robin S. Weiss  
Robin S. Weiss  
Clark Hill PLC  
Two Commerce Square  
2001 Market Street, Suite 2620  
Philadelphia, PA 19103  
(215) 640-8500  
[rsweiss@clarkhill.com](mailto:rsweiss@clarkhill.com)

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<sup>1</sup> The portions of deposition transcripts attached hereto contain redactions for minors' names, dates of birth, and full residential addresses.

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONIQUE RUSSELL, JASMINE  
RIGGINS, ELSA M. POWELL AND  
DESIRE EVANS,

Plaintiffs,

v.

EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES,

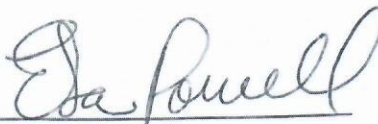
Defendant.

CIVIL ACTION NO. 18-  
5629

AFFIDAVIT OF PLAINTIFF  
ELSA M. POWELL

1. My name is Elsa M. Powell.
2. I submit this affidavit in opposition to Defendant's Bill of Costs with an itemization of claimed expenses of \$30,682.81.
3. I make this affidavit based on personal knowledge.
4. I am currently employed as an administrative assistant earning approximately \$ 53,102.40 per year.
5. I have no significant assets.
6. I have no savings.
7. I reside with my husband and five (5) children in Prince George's County, Maryland.

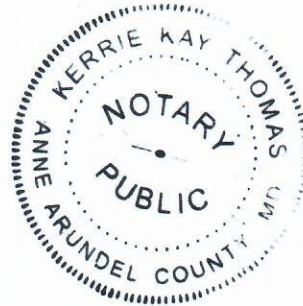
8. My family's income is spent on food, housing, utilities, gas, household goods, clothing, insurance, and debt. My family's monthly expenses consume all of our monthly income.
9. I cannot afford to pay the Defendant's alleged costs.
10. This concludes my Affidavit.

  
Elsa M. Powell

Subscribed and sworn before me  
this 9 day of November, 2023

  
Notary Public

My commission expires 11/16/27



# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONIQUE RUSSELL, JASMINE  
RIGGINS, ELSA M. POWELL AND  
DESIRE EVANS,**

Plaintiffs,

v.

**EDUCATIONAL COMMISSION FOR  
FOREIGN MEDICAL GRADUATES,**

Defendant.

**CIVIL ACTION NO. 18-5629**

**AFFIDAVIT OF PLAINTIFF  
DESIRE EVANS**

- 
1. My name is Desire Evans.
  2. I submit this affidavit in opposition to Defendant's Bill of Costs with an itemization of claimed expenses of \$30,682.81.
  3. I make this affidavit based on personal knowledge.
  4. I am currently employed as customer service representative earning approximately \$ 38000 per year.
  5. I have no significant assets.
  6. I have no savings.
  7. I reside with my minor son in Prince George's County, Maryland. I am my son's sole caregiver as his father is not involved in his care or support.



8. My income is spent on food, housing, utilities, gas, household goods, clothing, and insurance. These monthly expenses consume all of my monthly income.
9. I am currently three (3) months behind on my mortgage, which is \$1,800 per month.
10. I cannot afford to pay the Defendant's alleged costs.
11. This concludes my Affidavit.



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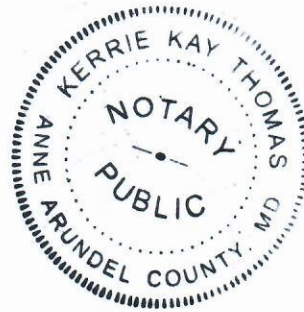
Desire Evans

Subscribed and sworn before me  
this 3<sup>rd</sup> day of November, 2023

  
Notary Public

My commission expires

11/16/27





# **EXHIBIT 3**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3  
4 -----

5       MONIQUE RUSSELL, JASMINE  
6       RIGGINS, ELSA M. POWELL, and  
7       DESIRE EVANS,

                                Plaintiffs,                   Case No. 18-5629

7                   v.

8       EDUCATIONAL COMMISSION FOR  
9       FOREIGN MEDICAL GRADUATES,  
10                          Defendants.

9 -----

10                                 Washington, D.C.

11                                 Friday, September 12, 2019

12                   Deposition of JASMINE RIGGINS, a witness  
13       herein, called for examination by counsel for the  
14       Defendant in the above-entitled matter, pursuant  
15       to notice, the witness being duly sworn by Barbara  
16       DeVico, a Notary Public in and for the District of  
17       Columbia, taken at the offices of MORGAN, LEWIS &  
18       BOCKIUS, LLP, 1111 Pennsylvania Avenue,  
19       Washington, D.C., at 11:33 a.m.,  
20       Thursday, September 12, 2019, and the proceedings  
21       being taken down by Stenotype by BARBARA De VICO,  
22       CRR, RMR, and transcribed under her direction.

23

24

25

1 APPEARANCES:

2 On Behalf of the Plaintiffs

3 CORY L. ZAJDEL, ESQUIRE

4 Z LAW, LLC

5 2345 York Road, #B-13

6 Timonium, MD 21093

7

8 On behalf of the Defendant:

9 BRIAN W. SHAFFER, ESQUIRE

10 MORGAN, LEWIS & BOCKIUS, LLP

11 1701 Market Street

12 Philadelphia, PA 19103-2921

13 brian.shaffer@morganlewis.com

14

15

16

17 Also Present: Nam Ngo, Videographer

18

19

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21

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23

24

25

1 as Jasmine Riggins, correct?

2 A. Yes.

3 Q. Is your birthday [REDACTED], 1992?

4 A. Yes.

5 Q. And how old would that make you?

6 A. 27.

7 Q. Are you currently married?

8 A. No.

9 Q. Do you have any children?

10 A. Yes.

11 Q. How many children?

12 A. Three.

13 Q. And can you give me their names and  
14 their current ages?

15 A. S [REDACTED] is 10, M [REDACTED] is 10, T [REDACTED]  
16 will be two next month.

17 Q. Are S [REDACTED] and M [REDACTED] both boys?

18 A. Yes.

19 Q. And T [REDACTED] is a girl?

20 A. Yes.

21 Q. And earlier this year in your  
22 deposition in the Dimensions case you indicated  
23 that you were engaged. Is that status the same, or  
24 has it changed?

25 A. It's the same.

1 Q. What's your current address?

2 A. 3 [REDACTED],  
3 Washington, D.C. 20019.

4 Q. How long have you lived there?

5 A. Almost a year.

6 Q. You have a high school GED, is that  
7 right?

8 A. Yes.

9 Q. Do you have any other subsequent  
10 education beyond that?

11 A. No.

12 Q. Are you currently employed?

13 A. Yes.

14 Q. Where is that?

15 A. Potbelly Sandwich Shop.

16 Q. When did you start working there?

17 A. April of this year.

18 Q. And you've worked at Potbelly's  
19 since April of this year?

20 A. Yes.

21 Q. And how many hours a week,  
22 approximately, do you work?

23 A. About 22. Slower season.

24 Q. So is this part-time work?

25 A. Yes.

1 Q. Prior to working at Potbelly  
2 starting earlier this year, had you worked -- had  
3 you worked anywhere else in 2019, or was there a  
4 period of time when you weren't working?

5 A. I was working at the Home Depot.

6 Q. And how long -- did you leave  
7 directly from Home Depot and go to Potbelly, or was  
8 there a break?

9 A. There was about a month break, a  
10 month or so.

11 Q. And again for purposes of trying to  
12 speed this up, in the Maryland Dimensions  
13 Healthcare litigation you gave some written  
14 response to questions.

15 Do you recall having done that? We call  
16 them interrogatories.

17 A. Yes.

18 Q. And one of the interrogatories you  
19 were asked in that case was to list your prior  
20 employment. And you indicated in that case that  
21 you had started working at Home Depot in March of  
22 2017. Does that sound correct?

23 A. Yes.

24 Q. And so you worked at Home Depot from  
25 March of 2017 to about February or March of 2019?

1 A. Yes.

2 Q. And then you started at Potbelly in  
3 April of 2019 and are still working there through  
4 today?

5 A. Yes.

6 Q. Great. Prior to working at Home  
7 Depot starting in March of 2017, was there a period  
8 of time before that that you were not working?  
9 Immediately before, I'm looking at the beginning  
10 part of 2017.

11 A. No. No.

12 Q. Where were you working when you  
13 went, before you went to Home Depot?

14 A. At Paul Bakery.

15 Q. Got it. And how long did you work  
16 there, approximately?

17 A. About almost two years.

18 Q. And would it be correct then to say  
19 that you worked at Paul Bakery from about March of  
20 2015 to March of 2017?

21 A. Yes.

22 Q. Was there a period of time between  
23 Paul Bakery and Home Depot when you weren't  
24 working, or did you go right from one to the next?

25 A. Yes, that's exactly what happened.



# EXHIBIT 4

Monique Russell

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3  
4   - - - - - X  
5   MONIQUE RUSSELL, JASMINE                   :  
6   RIGGINS, ELSA M. POWELL                   :  
7   and DESIRE EVANS,                         : Civil Action No.  
8                                 Plaintiffs,                   : 18-5629  
9   v.   :  
10   EDUCATIONAL COMMISSION FOR               :  
11   FOREIGN MEDICAL GRADUATES,               :  
12                                 Defendant.                   :

13   - - - - - X

14  
15                 Videotaped Deposition Of MONIQUE RUSSELL  
16                                 Washington, D.C.  
17                                 Monday, September 16, 2019  
18   1:51 p.m.

19  
20  
21   Job No. 88394  
22   Pages: 1 - 136  
23   Reported by: Dana C. Ryan, RPR, CRR, CSR (GA)

24  
25

Monique Russell

Page 10

1 either the court reporter will read it back to you  
 2 or I'll try again to do a better job of asking my  
 3 question, okay?  
 4 A Okay.  
 5 Q Are you on any medication today that  
 6 would affect your ability to remember things or to  
 7 testify truthfully?  
 8 A No.  
 9 Q Okay. As you sit here today, can you  
 10 think of any reason why you couldn't testify  
 11 truthfully and answer questions to the best of  
 12 your ability?  
 13 A No.  
 14 Q Okay. Do you have any questions for me  
 15 before we start?  
 16 A Not at this time.  
 17 Q Okay. Can you give me your full name,  
 18 please?  
 19 A Sure. My name is Monique Melissa  
 20 Russell.  
 21 Q Okay. And your date of birth?  
 22 A [REDACTED] 1977.  
 23 Q And what's your current address?  
 24 A In the States, it is [REDACTED]  
 [REDACTED] Maryland 21401, but I am

Page 11

1 currently residing in Costa Rica on a two-year  
 2 contract.  
 3 Q Okay. And when did you start your time  
 4 in Costa Rica?  
 5 A On August of last year.  
 6 Q So August of 2018?  
 7 A Yes.  
 8 Q And when are you scheduled to return  
 9 completely from the two-year contract? August of  
 10 '20?  
 11 A I'm in the second year of my two-year  
 12 contract.  
 13 Q And who is the contract with?  
 14 A Country Day School.  
 15 Q And what job are you doing in Costa  
 16 Rica for them?  
 17 A I'm the curriculum coordinator for the  
 18 early childhood and elementary schools.  
 19 Q And what is your responsibilities in  
 20 that job?  
 21 A I work with the principals of both  
 22 schools on alignment of curriculum from  
 23 prekindergarten to fifth grade, and provide  
 24 training and professional development to all of  
 25 the teachers and work with them in planning

Page 12

1 meetings.  
 2 Q And when you say the two schools, there  
 3 are two separate schools in Costa Rica?  
 4 A No, they call them schools. Country  
 5 Day School is a campus that goes from early  
 6 childhood to high school, and so there are four  
 7 schools, the early childhood, elementary, middle  
 8 and high school, and I work with the two lower  
 9 schools.  
 10 Q And are you in Costa Rica by yourself,  
 11 or is your family with you?  
 12 A My family is with me.  
 13 Q And who is that that's with you there?  
 14 A My husband and my son.  
 15 Q Okay. And your husband's name is?  
 16 A Christopher William Russell.  
 17 Q Okay. And how old is he?  
 18 A He is -- how old am I? -- 46.  
 19 Q And your son?  
 20 A Is L [REDACTED].  
 21 Q Okay. And how old is L [REDACTED]?  
 22 A Three.  
 23 Q Okay. And was L [REDACTED] born or [REDACTED],  
 24 2016?  
 25 A Yes.

Page 13

1 Q Okay. Do you have any other children?  
 2 A No.  
 3 Q And how long have you been married?  
 4 A For five years in October.  
 5 Q Okay. And you are here in Washington,  
 6 D.C. today having returned from Costa Rica;  
 7 correct?  
 8 A Yes, I flew from Costa Rica.  
 9 Q Okay. And when did you arrive here in  
 10 Washington?  
 11 A Last night.  
 12 Q Okay. And what, if anything, have you  
 13 done to prepare to come and testify here today in  
 14 this deposition?  
 15 A I reviewed my interrogatories and the  
 16 paperwork of the course --  
 17 Q Uh-huh.  
 18 A -- of the case, but that's about it.  
 19 Q Okay. You -- you have filed, as I  
 20 understand it, two different lawsuits related to  
 21 your interactions with a Dr. Charles Akoda;  
 22 correct?  
 23 A Yes.  
 24 Q Did you review materials related to  
 25 both of those cases before coming in to testify